

Presentation  
to  
The Honourable Charles Caccia  
Minister of Labour  
  
by  
The Canadian Labour Congress  
(Technology Committee)  
  
concerning  
The Report of the Task Force  
on Microelectronics and Employment

OPEIU225

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## Introduction

The report of the Task Force on Microelectronics and Employment was a disappointment to the labour movement. While it contains a number of interesting recommendations - particularly those concerning health and safety, as a total package, it does not measure up to the task assigned. The report is unfocused - perhaps because the task force members could not decide what the recommendations were supposed to achieve.

In examining the effects of microelectronics, or technological change in general, on employment, the federal government should be concerned about ensuring that:

- the benefits of technological change (shorter hours, increased income, better working conditions) are equitably shared;
- the rights of workers to secure jobs and decent incomes are protected and enhanced;
- the Canadian economy is strengthened through a diversification of economic activity; and
- health and safety conditions are improved - not jeopardized - by the introduction of new equipment or methods of operation.

Our comments will be limited to the role which we feel Labour Canada can play in achieving these goals. We will discuss:

- reform of the Canada Labour Code
- training
- economic development policy
- health and safety

#### Canada Labour Code

The Canadian Labour Congress has, on numerous occasions, expressed its concern over the inadequacy of the technological change provisions of the Canada Labour Code. Our proposals for reform of Sections 149 to 153 are attached.

Briefly stated, our reaction to the recommendations of the Task Force is as follows:

#### 1. Definition of technological change

The phrasing proposed does not add significantly - if at all - to that currently found within the Code. The progressive effects of technological change and the indirect manner in which it can adversely affect workers are two of the most significant points to be covered in a definition. The wording included within the CLC's set of proposals provides adequate protection for workers.

## 2. Notice

Six months' notice of tech change is just as inadequate as 90 days. If the federal government is serious about promoting labour-management discussion of tech change issues, then that process must begin as soon as the decision to invest in new equipment or introduce new methods and processes is made. Notice of at least one year is essential.

## 3. Joint Technology Committees

If the labour adjustment problems arising from tech change are to be adequately handled, then workers must have the right to negotiate the introduction of tech change. Consultation is not enough. Joint committees can be useful in monitoring conditions and in implementing decisions agreed to at the bargaining table. However, they are no substitute for free collective bargaining.

We appreciate the difficulty the Task Force faced in making an adequate recommendation for the treatment of unorganized workers. If joint committees are to be established in unorganized workplaces, they must be supported through co-ordinated government policies. For example, tax incentives tied to the conclusion of an agreement between labour and management regarding the introduction of new equipment would add significant support to workers in unorganized - as well as organized - workplaces.

#### 4. Arbitration

Compulsory arbitration of disputes involving technological change is unacceptable. The right to strike must be ensured. Since the arbitration process does not guarantee an adequate solution to any dispute, the decision to choose this method of dispute resolution must be left to the parties.

#### Training

We find it astounding that a report which purports to be concerned about the disadvantaged position of women workers and which states that training is a shared responsibility has as its only solid recommendation the creation of Registered Training and Education Leave Savings Plans.

We reject the assumption underlying such a recommendation that workers should continue to pay for their own training. Employers must be required to shoulder their fair share of training costs. We re-iterate our support for a grant-levy system of financing for training.

Setting aside the perverse notion behind such registered savings plans, the majority of workers requiring training and retraining in the years ahead do not have sufficient incomes to take advantage of them.

### Economic Development

If Labour Canada is to play a role within the federal government in establishing economic development policies, then it will have to go beyond the kinds of recommendations contained in the Task Force report. Recommendations to increase tax incentives to industry without any discussion of why it needs such support or what we should get in return is not particularly useful.

We are disappointed that the report did not examine the role of public ownership in the economic development process. Public ownership not only provides opportunities for more community and worker input into the economic planning process, but also generates revenues which can then be reinvested in employment-creating activities. This ability to direct investment into the production of jobs will become even more important as the employment in "traditional" industries declines with technological advances.

While discussing the need for greater labour-management co-operation, the report does not raise the obvious need for a greater public/worker say in private sector investment decisions or even for access to relevant information.

The recommendation for the establishment of a Canadian Centre of Technology, Work and Human Priorities has relevance to the discussion of economic development policies even though this function

would not be charged specifically to the Centre. On page 33 of the report, the Task Force states:

"This (balancing competing goals) is not the task of existing departments and agencies pursuing their broad policy and programme mandates, of which micro-technology is but a component, often at cross-purposes with each other, frequently in spite of the processes of coordination handled by one or more central agencies."

If the Task Force is trying to say that the federal government does not make rational, balanced decisions, we will not dispute the point. However, the solution is not to create a side agency.

Technological change raises issues which cut to the heart of the distribution of economic power and the arrangement of social relationships in this country. If the main line departments do not recognize and deal with these issues, they will not be resolved.

#### Health and Safety

We hope that Labour Canada will move swiftly to implement the task force recommendations on video display terminals. Indeed, we would encourage the department to go beyond these recommendations and incorporate the findings arising from the CLC's

investigation of the health impact of VDTs on Canadian operators.

Since the CLC survey was unavailable during the hearings, a copy is attached for your perusal.

We would like to highlight three recommendations for immediate action:

1. Job design

- A. Since workplace problems are best resolved at the source of the problem:

It is recommended that, where new technology is being designed, introduced, proposed, or already exists, workers must have real and meaningful input into the decision-making process from the very beginning.

- B. Given that workers who have varied work and responsibilities reported far fewer stress symptoms than VDT users and "production line" non-VDT workers, negotiations over the introduction of equipment and continuing joint-decision making over equipment in place should re-examine and re-design the nature of the work to enhance the content, skills, responsibilities, and working conditions of both VDT and "production line" non-VDT workers.

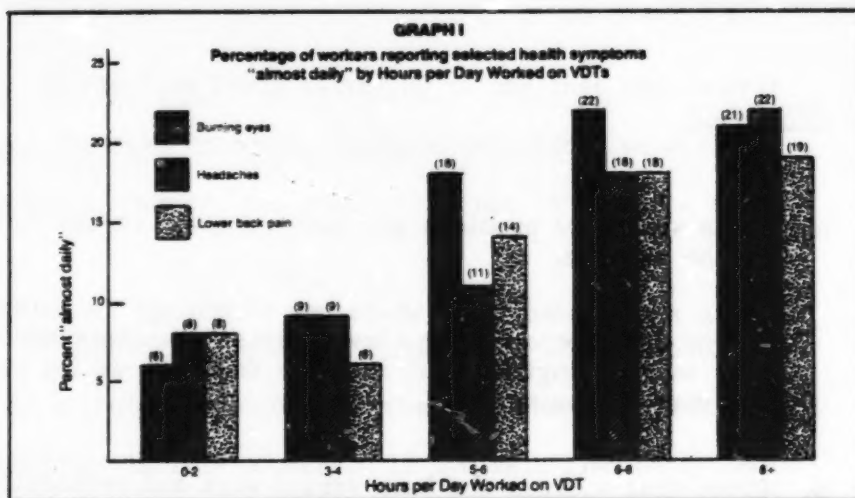
While monotony must be removed from jobs, careful planning is required to prevent job enlargement leading to worker overload and increased stress.

## 2. Limits on Lengths of Work Periods

- A. Since prolonged daily use of VDT machines produced increased health problems, with the adverse effects most noticeable after a total of four hours of VDT work (GRAPH I):

It is recommended that workers not be required to work on VDTs for a period longer than four hours in a given day.

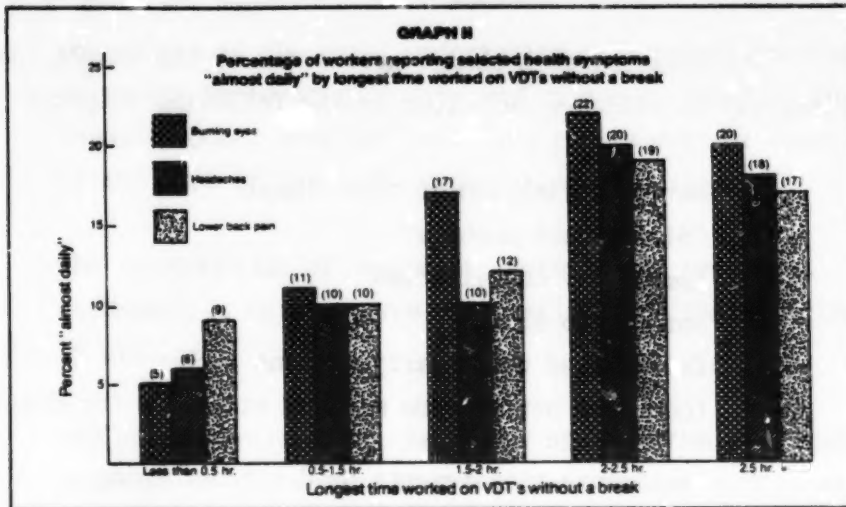
Part-time work for all is not the answer. A work day which combines VDT work with varied tasks provides a workable solution and is already incorporated as an approach in Sweden, Germany, and Norway.



- B. Since the number and severity of health problems increased with continued use without a rest break and since the effects became more pronounced after one and one-half hours (GRAPH II):

It is recommended that workers be required to take rest breaks which should be provided for 15 minutes after every hour on the VDT machine. Before leaving work, an end of shift break of 15 minutes at non-VDT work is also recommended.

Shorter, more frequent rest periods will break the fatigue cycle which sets in and will allow quicker recovery from the stressful effects of VDT work.



### 3. Ban on Monitoring and Pacing of Work

Since stress symptoms increased greatly when workers were being electronically monitored:

It is recommended that direct electronic monitoring of individual workers' activities and productivity be discontinued.

## TECHNOLOGICAL CHANGE IMPROVEMENTS REQUIRED IN CANADA LABOUR CODE

The existing tech change provisions of the Canada Labour Code (Sections 149 to 153) are deficient in the following respects:

1. Narrow definition of tech change
2. "Significant numbers"
3. Compulsory conciliation
4. Notice too short
5. Coverage of third party actions
6. Code does not provide minimum standards for dealing with change
7. Disclosure requirements need strengthening
8. No automatic right to bargain
9. Clarify that no change until agreement reached

### 1. Definition

#### Problem

The current definition (149(1)) does not adequately deal with:

- "creeping" tech change
- indirect effects
- changes in location/plant closures related to tech change
- changes in jobs and skills as a result of tech change

#### Solution

The following definition, based on negotiated language, offers maximum protection:

"Technological change should include:

- any change in the work, undertaking or business carried on by the Employer including any change in function performed/product line and including the removal or closure of any part of the work, undertaking or business
- the introduction of equipment, material or processes different in nature, type or quantity from that previously utilized
- any change, related to the introduction of this equipment, material or processes, in the manner, method or procedure in which the Employer carries on his work, undertaking or business
- any change in work methods, organization, operations or processes affecting one or more employees
- any change in the location at which the work, undertaking or business operates."

## 2. Significant numbers

### Problem

The definition of a "significant number of employees" is left for the Board to determine - causing uncertainty. The use of regulations to define numbers, as in Saskatchewan, promotes exemptions to the provisions of the Code.

### Solution

Remove the phrase "significant numbers" from Section 149-153 of the Code.

3. Compulsory conciliation

Problem

Section 153(b) provides that change may be introduced once an agreement has been reached or conciliation procedures have been concluded.

Solution

See No. 8 below.

4. Notice

Problem

The Code provides for 90 day notice. This is too short to allow for meaningful negotiations.

Solution

Notice should be given as soon as the decision to introduce changes is made with a minimum notice of one year. Union should have the right to apply to the Board if it feels the employer has failed to give notice. At such a hearing, a reverse onus should be on the employer to show that no decisions to invest in new equipment have been made. All information collected by investigative officers of the Board should be filed with the union.

5. Coverage for third party actions

Problem

Workers may be affected by tech changes in the workplace introduced by a party other than the Employer (CBRT - Skycaps case). Presently, such situations are not covered by Code.

Solution

The Code should provide for negotiations with the employer to cover adverse effects resulting from third party actions. The union should be able to apply to the Board for a decision as to whether the introduction of changes by the third party should be the subject of negotiations between the employer and the union.

6. Code - minimum standards

Problem

Section 149(2) provides that if the contract contains procedures for settling disputes over tech change, the Code does not apply. Alternately, the contract may specifically state that the Code does not apply. Contract provisions may be inferior to the Code in terms of notice, etc.

Solution

Eliminate Section 149(2). The Code will apply and will provide minimum standards for the resolution of disputes.

## 7. Disclosure

### Problem

The Code provides for a minimum amount of information to be included along with notice. A year-long notice period opens up the possibility of further disclosure, as plans progress.

### Solution

After the initial notice, the employer should be required to provide:

- detailed description of nature of proposed change
- total cost
- number, location and job classifications of all employees affected
- detailed description of effects on employees including skill requirements, job functions and health and safety
- similar information on any alternatives to proposed change considered
- all additional information necessary to permit union to exercise its rights under existing contract.

To cover situations in which there is a failure to disclose, the union should have the right to apply to the Board for an order.

## 8. Automatic right to bargain

### Problem

Even if the Board rules that a tech change is occurring and that it has significant effects, the union may not be granted leave to bargain. In the O-C Transpo case, the Board mentioned some confusion regarding the right to strike if bargaining allowed.

Solution

Once notice of change is given by the employer or the Board, the bargaining agent may give notice to bargain. The provisions of Section 146 will then apply. The right to strike should be clarified.

9. No change until agreement

Problem

If the right to bargain is guaranteed by the Code, Section 153 will have to be reworded.

Solution

Tech change cannot be introduced until an agreement with the bargaining agent has been reached.